

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Amendment of the Amateur Service Rules)	
Governing Qualifying Examination Systems)	
and Other Matters)	WT Docket No. 12-283
)	
Amendment of the Amateur Service Rules)	
Governing Vanity and Club Station)	
)	WT Docket No. 09-209

**COMMENTS ON THE NOTICE OF PROPOSED RULE MAKING AND
ORDER ADOPTED OCTOBER 1, 2012**

TO: The Commission

Filed: November 28, 2012 Commenter

Comments are submitted by Thomas M. Schaefer, licensed by the FCC as NY4I, with experience administering VE examinations as well as the former operating officer of the now-defunct Dunedin Amateur Radio Association VEC. Commenter has participated in the VEC program under W5YI, Dunedin and the ARRL VECs since the start of the VEC program.

EXAMINATION CREDIT 1. Credit for Expired Licenses.

While many commenters ask the question if knowledge obtained several decades ago allows one to operate on a level playing field with more recently examined licensees, this argument appear moot since there is no requirement for periodic retesting to ensure a licensee maintains current knowledge. The only difference between two Amateur Extra class operators that were licensed 30 years ago and one licensed recently is when each one passed a test. While the commenter would support a periodic 5 year retesting requirement, the question before the commission is to determine if there is equivalence between the two licensees giving that one may have allowed their license to elapse. As long as the applicant is still in good standing with the FCC, the commenter supports the change to award prior license credit.

Validity of CSCEs The commenter sees no benefit to changing the period of validity of CSCEs. It appears that the desire to change this item is a derivative of the proposed change to the Vanity Call Sign waiting period. As the commenter disagrees with that, this change is not supported.

Vanity Call Sign Waiting Period

The commenter has known several licensees that absent-mindedly forgot to renew their license and allowed that license to expire. Additionally, one could expect cases where military service members on

deployment that are amateurs might allows their license to elapse and not get back to it for 6 months to a year depending upon their deployment status as they obviously have other more pressing issues. The current 2 year waiting period is a reasonable time even in the above case for an amateur to reapply and retain their license. Given the extent of the systems in the amateur radio community to support harvesting of freshly-available amateur licenses (N4MC's Vanity License HQ which trolls the FCC database looking for choice callsigns about to exceed the grace period), it is reasonable to expect that any older Group A callsigns will be claimed as soon as available. While the FCC could grant an exemption to the grace period changes for amateur deployed into a war zone (similar to exemptions granted by the IRS for example), the administrative burden to determine who should not have an exemption is not justified. The commenter recommends no change to the current vanity call sign waiting period.

Number of VEs

Commenter does **NOT** support changing the number of VEs from 3 to 2. While current FCC rules ensure the examiner and examinee are not related, there is no provision to ensure that examiners are not related. It is not far-fetched to imagine a case where a VE team made up of a spousal couple could allow one to be intimidated by the other into signing a paper one examiner knows is false. IRS case law has ample evidence of this behavior even to the extent there is an "innocent spouse" rule that protects a spouse that was told to blindly sign a document. While the commenter does not believe that exact scenario could occur with an independent VE examiner, it is easy to imagine undo pressure being placed by a strong-willed examiner. While noting in the current rules would prevent two-examiners joining forces to pressure a third, the commenter believes the likelihood of complicity in a nefarious examination session by all three examiners is small. Note that even in the case of two unrelated examiners, the commenter still believes there is opportunity for pressure to be exerted in subtle ways especially on issues that arise during an examination that are subject to interpretation (adequateness of photo ID, CSCE validity, etc.). While it may be intangible, the current 3 VE requirement adds an element of confidence to the integrity of the process as corrupting 2 other VEs will always be harder than corrupting only 1. Please keep the rules as they currently stand and ensure the validity of the VE system.

Respectfully submitted by:

Thomas M. Schaefer
Amateur Radio Licensee NY4I
323 Old Oak Cir
Palm Harbor, FL 34683
November 28, 2012